Meeting Date: Wednesday, March 22, 2006

9:30 a.m. - 12:00 p.m.

East/West, 1st floor

Location: 1001 | Street Training Rooms

Sacramento, California

95812

<u>Members Present: (7), Linda LaVanne- Agricultural Pest Control Advisers, Barbara Todd- Department of Food and Agriculture (Ex-Officio), Ronald Berg- Pest Control Dealers, Elaine Hale – Commercial Applicator Certificate Holders, Tim Butler – Registrants, Richard Stoltz- Pest Control Aircraft Pilots, and Jean La Duc- General Public.</u>

<u>Department Staff:</u> (6) David Duncan- Chair of Committee (Ch), Scott Paulson, Mac Takeda, Ada Scott, Cynthia Ray and Rayven Jenkins

<u>Guests:</u> (6) Terry Gage- California Ag Aircraft Association, Judy Letterman – PAPA, Susan Cohen- University of California, Terry Stark-CAPCA, Darci Sagara-CAPCA, and Sara Miller-CAPCA

<u>Members Absent:</u> (3)– Scott Hudson- County Agricultural Commissioner Association, David De Silva – Board of Governors of the Community Colleges, and Mary Louise Flint-UCIPM.

<u>Member Vacancies:</u> (4)- Vacant – Pest Control Businesses, Vacant – Producers FAC section 56115, Vacant- and Maintenance Gardener Pest Control Business, Vacant-California State University System

# **AGENDA**

9:30-9:35	Introduction of members and others in attendance and review of agenda David Duncan, Department of Pesticide Regulation (DPR)
9:35-9:40	Review and approval of November 11, 2005 Minutes Committee reviewed and approved the minutes as written.
9:40-10:00	Report on 2005/06 Licensing renewal, website changes, database replacement, rulemaking update for private applicator continuing education and PCA minimum qualifications, business licenses Mac Takeda, David Duncan, DPR Ron Berg, Pesticide Dealers, Committee member

**License Renewal:** 82.66 % of the 2005 businesses have renewed and 84.96% of the 2005 Individual licenses have renewed, which is a slight increase from 2003 when this group last renewed.

# 9:40-10:00(cont.) replacement,

# Report on 2005/06 Licensing renewal, website changes, database

### minimum

rulemaking update for private applicator continuing education and PCA

### qualifications, business licenses

Mac Takeda, David Duncan, DPR Ron Berg, Pesticide Dealers, Committee

## Web Site Changes:

- The 2005 continued education classes are now listed as archived on our continued education site. On-line classes are listed under the 'continuous' category.
- The expired Businesses are listed by alpha and by county. Some counties would like them also listed by Business license number.
- The new Pesticide Broker Business License requirements have been added to the web site. It no longer requires a fee for a business or person to be licensed as a pesticide broker. Currently we have 183 Broker Business Branch locations and 48 main Broker Business licensed.
- The revised 2006 Exam Code Schedule has been added to the web site
  effective March 1, 2006. It reflects the correct October dates of 24, 25
  and 26 for the Arcadia location and the addition of the Salinas location for
  the month of October on the third and fourth. The new schedule is now
  posted on the web site.
- The Exam results site now lists the location and date so the applicant can find their results more easily.
- The County Registration Requirements and fees chart has been updated. In the near future the Structural Pest Control Board and Farm labor Contractor information will also be included at this site. It was a suggestion of the CAC's.
- The revised Restricted Materials Requirements chart and the Ground Water Protection materials chart have been posted to the web site under publications and outreach.

### Ron Berg:

Many businesses like Ron's pesticide dealer business have multiple licenses that are required by the State of California, and they expire at different times of the year. Ron proposed that a chart be sent out by DPR and DFA formatting when the different fees are due. Ron also suggested that the font size of the expiration year on the DPR Business license be increased to be more easily

read. He said it would help his office staff see these licenses more easily and be aware of when they need to be renewed. Mac said he would look into what needs to be done to change the font size.

### **Database Replacement:**

DPR is in the process of acquiring bids for an off-the-shelf licensing software package and we should have the new database system in place in time for the 2007 renewal season.

### **Rulemaking Update:**

 Pest Control Adviser Minimum Qualifications, CCR Title 3, section 6550; Food and Agricultural Code, sections 11456, 12005, and 12024. Status:

### Anticipate noticing

in May 2006.

- Renewal of Pest Control Individual and Business Licenses regarding shortened late period allowance to change from 12 months to 3-month grace period. CCR Title 3, section 6510; Food and Agricultural Code, sections 11456, 11502, 12005, 12024, 12111, and 12781. Status: Anticipating notice in December 2006
- Enforcement Response regulation. CCR Title 3, sections 6128 and 6130; Food and Agricultural Code, sections 11456,12781, 12976, 12981, and 15203. Status: Hearing March 2006.
- Private Applicator Certificate Continuing Education requirement has gone through the public comment period and all the comments have been addressed. It is currently being reviewed in-house before it goes to the Office of Administrative Law for final approval or not.

# 10:00-10:35 Pest Management Assessment in Parlier, a Component of DPR's Environmental Justice Pilot Project

Pat Matteson, Pest Management and Licensing Branch, DPR

Pat Matteson presented a descriptive account of the Pest Management Assessment presently taking place in the town of in Parlier. The Parlier project is one of six environmental justice pilot projects being done by boards and departments that are part of the California Environmental Protection Agency (Cal/EPA). The Department of Pesticide Regulation (DPR) environmental justice project has several parts. The major element is analyzing ambient air for traces of pesticides, and to begin developing solutions for possible problems we may find. Another part of the project is working with growers to find better ways to manage their pest problems with less risk to workers and residents.

The project began in January, 2006 and will continue until December 2006. Air samples will be collected during this time, send to a laboratory for analysis, and the results will be evaluated by DPR scientists and then reported. DPR plans to release reports in May and October 2006, and in April 2007. DPR scientists will complete their final report in fall of 2007. She stated that the goal in Parlier is to answer these questions:

- Are residents exposed to pesticides in the air?
- Which pesticides are people exposed to? In what amounts?
- Are the amounts of pesticides found in air of concern to human health, particularly for children?

### DPR also wants to:

- Tell the community about the project. We plan two community forums to do this, one when the project starts, and another after it is over and we have evaluated the results.
- Reduce pesticide risk.
- Evaluate pesticide risk compared with other pollutants that are monitored.
- Follow up on findings. For example, education and technical support might be provided to farmers to encourage them to use alternatives that are less toxic or, if we have health concerns, we can put stricter controls on certain problematic uses.

### Why did DPR select Parlier for this project?

DPR evaluated 83 communities in Fresno, Kern, Kings, Madera, Merced, Stanislaus and Tulare counties. DPR ranked the communities based on environmental justice data (for example, low income, number of non-Caucasian families, number of children), whether there was data available or being collected on other pollutants in air, water and soil, and the amount of pesticide use (both close to Parlier and for five miles around).

DPR also considered other factors, including good places to set up monitoring equipment, weather patterns, and whether it was possible to collaborate with other projects focused on environmental health. Based on this analysis DPR selected Parlier.

#### Pesticides

About 40 total pesticides will be monitored in Parlier. DPR will monitor for as many as 26 pesticides and 5 breakdown products. In addition, the State Air Resources Board will monitor for many substances in air, including 9 pesticides.

### What actions will DPR take based on the results?

If our analysis shows a significant health concern with a pesticide under normal use, our response may take various forms. For example, working with the County Agricultural Commissioners, we could require certain use practices for the most highly restricted pesticides. Another alternative might be for the commissioner could require a buffer zone to protect houses, schools, or other sensitive places. Whatever measures DPR may take will be based on scientific evaluation and recommendations.

DPR can require pesticide makers to do studies and send data to help better define problems and solutions. We can put controls on use into place with statewide rules.

DPR can also work with the pesticide maker and the U.S. EPA to improve the pesticide product label, changing application instructions and controls on how a pesticide is used.

DPR is studying pest management practices in the Parlier area to help identify lower-risk alternatives for managing pests. We will study cropping patterns, pest pressures, pest control

practices, pesticide use, application methods, and alternative pest management techniques, with a focus on least-toxic approaches. We are committed to exploring outreach efforts to ensure that farmers are aware of these alternatives and how to use them.

### **IPM Innovator Awards:**

Pat also reminded the group about the IPM Innovator Awards given to those who provide outstanding, cutting edge, ground breaking advances in the area of IPM. DPR is accepting nominations for IPM Innovator Awards until March 31, 2006. Nominate a group by filling out a short form and submitting it via mail, fax, or the Internet. Need more information? Please contact Bob Elliott at 916-324-4156.

10:35-10:50 (BREAK TBA)

10:50-11:35 DPR's Enforcement Response Policy

Scott Paulsen, Pesticide Enforcement, DPR

Scott Paulsen presented a detailed background of the Department of Pesticide Regulation (DPR) Enforcement Response Policy.

<u>In the mid 1980's</u> the County Agricultural Commissioners (CAC's) could take action and levy fines indiscriminately.

<u>In the 1990's</u> it was found necessary to develop consistent guidelines for fines. The fines could be determined on the basis of 'awareness of the law' or 'unawareness of the law.'

In early 2004, DPR and the CAC's took a hard look at the current guidelines.

<u>In 2005.</u> DPR and the CAC's took action by working together to develop and adopt an Enforcement Response Policy. These guidelines were designed to strengthen pesticide enforcement and make it more consistent from county to county. Then in January 2006, DPR proposed rules to put key elements of the policy into regulation, giving it the force of law.

The new rules will make it clear how County Agricultural Commissioners (who handle local pesticide enforcement) should respond when laws are broken. They spell out when a fine should be imposed, based on how serious the violation was and the violator's previous record. CACs throughout California will follow the same requirements.

The new rules are based on the common-sense idea that violators should be punished, and the most serious violations should draw the most serious penalties.

### There are three violation categories.

- Class A violations are the most serious because hey create "an actual" health or
  environmental hazard. Any incident that causes an illness, for example, would be a Class
  A violation. A fine imposed by the commissioner would range from \$700 to \$5,000 for each
  Class A violation. If a case is referred to the Attorney General, the fine can be as high as
  \$10,000 for each Class A violation.
- Class B violations have the "reasonable possibility" of creating a health or environmental effect. The Commissioners has three choices for Class B violations. Two of them are the same as Class A violations—a fine or referral to the local district attorney or to DPR. (Fines for a Class B violation would range from \$250 to \$1,000 for each offense.) Because violations in this category are less serious than Class A, the commissioner has a third

alternative. If the violator has a clean record for the previous two years in that county, the Commissioner can issue a warning letter or similar compliance action. (This alternative isn't available if the violator has a record of previous offenses within two years.) However, if the commissioner issues a compliance action for a Class B violation, he or she must send a written report to DPR explaining the basis for not taking an enforcement action. If DPR does not agree, an enforcement action is required.

• Class C violations are minor infractions that don't fall into Class A or Class B. These classifications are not new. What is new is that, for the first time, Commissioners will be directed on how to respond to violations based on what category they fall into. These are violations that do not fall under Class A or Class B. They are usually minor infractions, for example, not filing required paperwork. Commissioners can respond to Class C violations with an enforcement action (for example, a fine) or a compliance action. However, if they issue a compliance action to someone who has had a violation in the previous two years, the Commissioner has to send a written report to DPR, explaining the decision. If the DPR Director does not agree, an enforcement action is required. (If the violator has a clean record, the commissioner does not have to file a written report on a compliance action.)

DPR proposes to adopt section 6128 and amend section 6130 of Title 3, California Code of Regulations. The proposed regulatory action would specify appropriate enforcement responses to be taken by the county agricultural commissioner each time a violation(s) occurs. Public hearings have been held on March 16 in Sacramento, March 27 in Bakersfield, and scheduled for March 28 in Salinas.

# 11:35-11:55 Study guides and exam update

Mary Lou Flint, UC Davis IPM Mac Takeda and Adolfo Gallo, DPR

Susan Cohen, Senior Writer with UC IPM, Davis provided the following updates:

The Categories A, B, and Q study guides would be appendiums for the categories, and the main study material suggested.

<u>Category A- Residential, Industrial, and Institutional Study Guide:</u> has been revised and reprinted and is currently available. DPR needs to change the suggested study guide list to reflect this revised publication. The revised publication now includes the school IPM information. Susan Cohen wants to get the word out about this book and has developed a post card size outreach document to market it.

<u>Category B-Landscape Maintenance Study Guide</u>: should be ready by May of 2006. UC Davis will have to do the sales marketing. The publication should be ready for the July exams.

<u>Category Q-Maintenance Gardener Study Guide</u>: is being worked on by UC, Davis. Dave Duncan would like to know how to get it completely translated to Spanish. At this time UCIPM is looking at translating only parts of the study guide into Spanish.

<u>Note:</u> There were some concerns regarding how the B category and the Q category might cross over and the confusion among those taking the exams or holding the licenses/certificates with those categories.

<u>The Safe and Effective Use of Pesticides Compendium</u>: has been revised correcting about 20 errors in the publication and currently is being reprinted.

<u>Pesticide Safety: A reference manual for growers:</u> . Is currently being revised and will be published both in English and Spanish. The cost of the revised manual hasn't been determined yet.

Aerial Pest Control Study Guide: On March 15, Adolfo Gallo, Mac Takeda, and other members of the Aerial Applicator Study Guide Advisory Committee met in the Cal/EPA Building. The members reviewed and discussed Chapter 9 - Application Technology, the final chapter of the study guide, and gave their review and comments to the contractor, Dr. Patrick O'Conner-Marer. The Committee also reviewed and revised 25 new examination pool questions that were developed prior to the meeting. The committee spent the rest of day working on developing new examination questions from this final chapter. The Study guide and examination pool questions will go out for review and comment to the committee to finalize it before the June deadline.

## 11:55-12:00 Next agenda and meeting date - Committee

Meeting Date: July 19, 2006 (Wednesday)

**Time:** 9:30 am - 12:30pm **Place:** 1001 I street

Training room 1 East and West (First Floor)

Sacramento

• Next Meeting agenda items:Impact of License/Certificate Fee Increase- Paul Gosselin

• Update on Enforcement Response proposed regulation

Questions about this agenda or adding agenda items should be directed to David Duncan at (916) 445-3870 or dduncan@cdpr.ca.gov